

000687		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO			1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)	
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services			3. DATE: April 16, 2008	
4. SUBJECT: Water Easement Vacations in Parcels 1 & 2 of Parcel Map No. 20393						
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) G. Bollenbach Ext. 65417 MS 501			6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Anne Hoppe Ext. 65290 MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED	
8. COMPLETE FOR ACCOUNTING PURPOSES						
FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:	
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT						
10. ROUTING AND APPROVALS						
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE
1	ORIG. DEPT	<i>[Signature]</i>	4/17/08	5	DEPUTY CHIEF	<i>[Signature]</i>
2	EAS	<i>[Signature]</i>	4/23/08			
3	REAL ESTATE ASSETS	<i>[Signature]</i>	5/2/08	6	CITY ATTORNEY	<i>[Signature]</i>
4	LIAISON OFFICE	<i>[Signature]</i>	5/7/08	7	ORIG. DEPT	<i>[Signature]</i>
					DOCKET COORD:	<i>[Signature]</i>
					COUNCIL LIAISON	<i>[Signature]</i>
					COUNCIL PRESIDENT	<i>[Signature]</i>
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT
					<input type="checkbox"/> REFER TO:	<input type="checkbox"/> ADOPTION
						COUNCIL DATE: 4/10/08
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)						
1. Authorizing the vacation of unneeded water easements in Parcels 1 and 2 of Parcel Map No. 20393 as shown on Engineering Drawing No. 20817-B						
11A. STAFF RECOMMENDATIONS: Approve the resolution						
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)						
COUNCIL DISTRICT(S): 4						
COMMUNITY AREA(S): SOUTHEASTERN SAN DIEGO, SOUTHEASTERN						
ENVIRONMENTAL IMPACT: THIS PROJECT IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES)						
HOUSING IMPACT: NONE						
OTHER ISSUES: NONE						
ATTACHMENTS: VICINITY MAP, 20817-B, LEGAL DESCRIPTION						
WORK ORDER NO. 430220 - PTS NO. 148268						

000689

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: April 16, 2008

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Water Easement Vacations
COUNCIL DISTRICT(S): 4
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of an unneeded water easement Parcel 1 and 2 of Parcel Map 20393 shown on Engineering Drawing No. 20817-B.

STAFF RECOMMENDATION:

Approve the easement vacations

EXECUTIVE SUMMARY:

This water easement vacation is located in the Southeastern San Diego, Southeastern Community Plan area, southwesterly of 40th Street and Imperial Avenue. This project consists of vacating a portion of a water easement required for site development that was granted to the City on Map No. 13977, and an easement granted by deed recorded June 6, 2006 as File No. 2006-0387743. The existing facilities located within this easement have been superseded with a new water main as shown on Engineering Drawing No. 34444-D in an easement granted on Parcel Map 20393. There are no other public facilities located within the easement, and there is no present or prospective public use of the existing easement in its present location.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Although no Community Planning Group recommendation is legally required, this project was routed to the Community Planning Group and no comments were received.

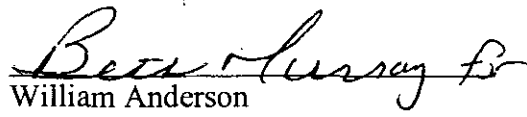
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KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

PDP Imperial Partners



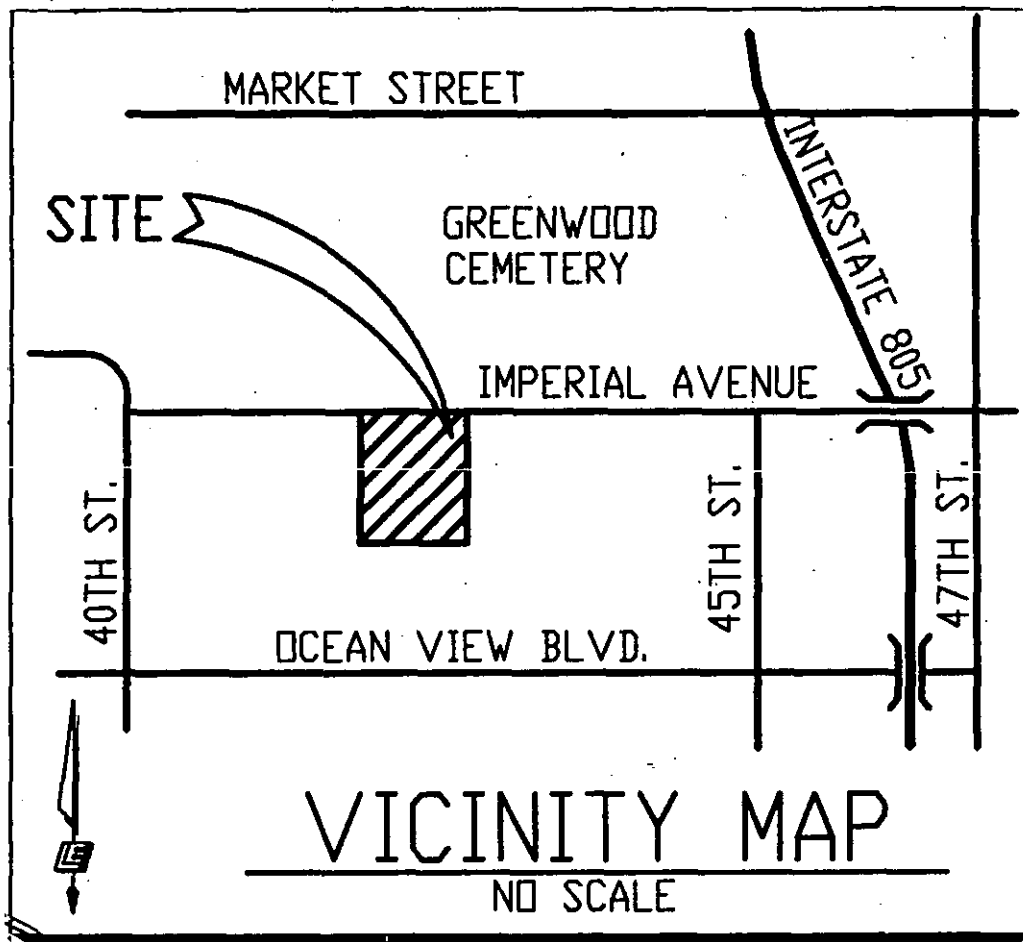
Kelly G. Broughton
Director
Development Services Department



William Anderson
Deputy Chief Operations Officer:
Executive Director of City Planning and
Development

000691

WATER EASEMENT VACATION



W.O.# 430220 PTS 148268

EXHIBIT A

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LEGAL DESCRIPTION Water Easement Vacation

Those portions of Parcel 1 and Parcel 2 of Parcel Map No. 20393, in the City of San Diego, County of San Diego State of California, filed in the office of the County Recorder of San Diego County, more particularly described as follows:

Parcel "A":

Beginning at a point on the Westerly line of Lot 8 of Map No. 13977, said point being common with the Easterly corner of Parcel 2 of said Parcel Map No. 20393; thence proceeding Southerly along the Westerly line of said Lot 8 South 30°18'45" West (South 30°19'12" West per Parcel Map No. 20393), 218.37 feet to a point on the Westerly line of a 26' wide water easement granted per Map No. 13977, said point being on a 213 foot radius curve concave Easterly having a radial Bearing of North 84°59'31" East to the center of said curve; thence proceeding Northerly along said curve and Westerly line of said 26 foot wide water easement through a central angle of 05°57'29" an arc distance of 22.15 feet; Thence North 00°57'00" East, 20.96 feet; Thence North 89°03'00" West, 178.71 feet; Thence North 00°04'07" West, 17.98 feet; Thence North 89°03'00" West, 141.48 feet; Thence North 00°57'00" East, 26.00 feet to the **TRUE POINT OF BEGINNING**; Thence continuing North 00°57'00" East, 63.00 feet; Thence North 89°03'00" West, 173.34 feet; Thence North 00°57'00" East, 26.00 feet; Thence South 89°03'00" East, 5.00 feet; Thence North 00°57'00" East, 13.73 feet; Thence South 89°03'00" East, 10.00 feet; Thence South 00°57'00" West, 13.73 feet; Thence South 89°03'00" East, 184.34 feet; Thence South 00°57'00" West, 89.00 feet; Thence North 89°03'00" West, 26.00 feet to the **TRUE POINT OF BEGINNING**.

Said Parcel "A" containing 0.160 acres, more or less.

Together with the following:

Parcel "B":

A 24 foot wide easement granted to the City of San Diego per Doc. Rec. June 1, 2006 as File No. 2006-0387743, O.R.

Said Parcel "B" containing 0.049 acres, more or less.

LEPPERT ENGINEERING CORPORATION

Norman S. Kasubuchi 3/25/08

By: Norman S. Kasubuchi, RCE 31897
Expires: 12/31/08





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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING WATER EASEMENT
VACATIONS IN PARCELS 1 AND 2 OF PARCEL MAP
NO. 20393.

WHEREAS, California Streets and Highways Code section 8330 et seq. (and specifically Sections 8333 and 8335), and San Diego Municipal Code section 125.1010(c) provide a procedure for the summary abandonment or vacation of public service easements by City Council resolution where the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the abandonment of an unnecessary vacation of the public service water easement in Parcels 1 and 2 of Parcel Map No. 20393 as depicted on Engineering Drawing No. 20817-B, to unencumber his property. Said public service water easement [easement] is located in Southeastern San Diego, in the Southeastern Community Plan area, on the south side of Imperial Avenue easterly of 40th Street; and

WHEREAS, the existing public utility facilities located within the easement to be abandoned have been superseded with a new sewer as shown on Engineering Drawing No. 34444-D; and

WHEREAS, there are no other public facilities located within the easement to be abandoned, and there is no present or prospective public use of the existing easement in its present location; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301; and

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WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, this matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego finds that:

- (a) the public service easement to be abandoned herein does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment;
- (b) The easement has been superseded by relocation and there are no other public facilities located within the easement;
- (c) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- (d) The public will benefit from the action through improved utilization of the land made available by the abandonment;
- (e) The abandonment is consistent with any applicable land use plan; and,

(f) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds:

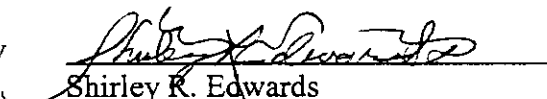
1. That the public service water easement located within Parcels 1 and 2 of Parcel Map 20393, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20817-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder. From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
05/13/08
Or.Dept:DSD
R-2008-1067
MMS #6274